

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JEAN JULES,

Petitioner,

vs.

Case No. 4:20cv287-MW-MAF

WILLIAM P. BARR,

Respondent.

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REPORT AND RECOMMENDATION

Petitioner submitted filed a hand-written petition for writ of habeas corpus pursuant to § 2241, ECF No. 1. Petitioner is detained in the custody of immigration officials at the Baker County Detention Center in Baker, Florida. Petitioner is not merely challenging his detention on the basis that his removal is not significantly likely to occur. Rather, it appears that Petitioner is seeking to challenge the order of removal and requests that a stay be entered. *Id.* at 4, 8.

Although this Report and Recommendation does not address the merits of the petition or the possibility of such relief, there are two problems going forward. First, Petitioner is not detained within the jurisdiction of the

Northern District of Florida. Petitioner is detained in Baker County which is within the Middle District of Florida.

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” 28 U.S.C. § 1404(a). Because a § 2241 should be filed where the Petitioner is housed, this case should be transferred to the Middle District of Florida, Jacksonville Division, which encompasses Baker County, Florida.

Second, Petitioner has not paid the \$5.00 filing fee for this case, nor has he filed a motion requesting leave to proceed in forma pauperis. That deficiency must be corrected, but is more appropriately resolved by the Middle District.

In light of the foregoing, it is respectfully **RECOMMENDED** that this case be **TRANSFERRED** to the United States District Court for the Middle District of Florida, Jacksonville Division, for all further proceedings.

IN CHAMBERS at Tallahassee, Florida, on June 5, 2020.

S/ Martin A. Fitzpatrick
MARTIN A. FITZPATRICK
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court's internal use only and does not control. If a party fails to object to the Magistrate Judge's findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court's order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636.